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AMS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/137,277	08/20/98	SETOGAWA	T 450100-4535

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EXAMINER

BROWN, D

ART UNIT

PAPER NUMBER

2773

DATE MAILED:

03/30/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/137,277

Applicant(s)

Setogawa et al.

Examiner

David E. Brown

Group Art Unit

2773



☒ Responsive to communication(s) filed on Jan 27, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2773

DETAILED ACTION

1. Claims 1-13 are pending int his Office Action.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/137,277, filed on 8/20/98.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner will assume that Applicant means that the data that varies display patterns is different for when 1) the menu button is not selected or; 2) the menu button is provisionally selected or; 3) the operation of the menu button is determined.

Claim Rejections - 35 USC § 103

Art Unit: 2773

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arruza (5,838,316).

Independent Claim 1,

Dependent Claims 2, 4, and 9, 12

Arruza discloses menu display data which determines the configuration and operations displayed on the menu, Column 6 lines 21-24; response picture data which contains pictures to be displayed on the menu, Column 6 lines 51-53, (display object is highlighted) and data for instructing the display of the response picture; and operation instructions for performing the selected operation after the response picture is displayed, id. However, Arruza does not specifically disclose displaying a response picture.

Official Notice is taken that a multimedia presentation can include a moving picture. Therefore, it would have been obvious to one skilled in the art to provide a response picture that corresponds to executing the desired function. See Column 6 lines 53-56.

Art Unit: 2773

Claims 3, 6, 10 and 13

See the discussion of claim 1 supra. Arruza discloses displaying a response picture with sound. See Column 6 lines 53-56.

Claim 5

See the discussion of claim 1 supra. Arruza discloses menu display data that includes data for varying the display of the menu button when the menu button is not selected and the menu button is provisionally selected (highlighted) and the operation of the menu button is determined (animation), Column 8 lines 5-16.

Claim 7

See the discussion of claim 1 supra. Arruza discloses that the menu display data and response picture data is recorded as a series of data. Column 4 lines 53-58.

Arruza discloses menu display data for displaying the menu including at least one menu button (GUI) for executing a predetermined function, Column 6 lines 21-24; response picture data for displaying a predetermined response picture (multimedia presentation), Column 6 lines 51-53, in response to determination of an operation of the menu button (display object is highlighted) and data for instructing the display of the response picture; data for instructing to execute the function assigned to the menu button after the response picture is displayed, id. However, Arruza does not specifically disclose displaying a response picture.

Art Unit: 2773

Official Notice is taken that a multimedia presentation can include a moving picture. Therefore, it would have been obvious to one skilled in the art to provide a response picture that corresponds to executing the desired function. See Column 6 lines 53-56.

Response to Arguments

8. Applicant's arguments filed 1/27/00 have been fully considered but they are not persuasive.

Applicant's argument that the multimedia presentation in Arruza is the operation itself and not performed after the response picture has been displayed, is not persuasive. Arruza strongly suggests, at the very least, in Column 2 lines 36-41, that the multimedia presentation is a separate and subsequent function from the selection of animated display object. In addition, Applicant did not indicate where applicant's invention claims reconfiguring the menu display data based upon prior user responses.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2773

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Brown whose telephone number is (703) 305-4249. The examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5355.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

DB

3/26/00


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773